(1)

Supreme Court, U.S.
FILED

081489 MAR 19 2009

OFFICE OF THE CLERK
William K. Suter, Clerk

Docket Number:

IN THE SUPREME COURT OF THE UNITED STATES

Margaret D. Edwards Flynn,

Plaintiff-petitioner, Sui Juris,

Vs.

Cheryl Ann Yara, Mathew Sandoval, Henry O. Sanchez, John Avila, Chuck Griego, Michael Gallegos, Macario Gonzales, Morris Madrid, Diane Moore, Tony Marquez, Eugene Romero, Cruz Roybal, and Louie Trujillo, ALL in their individual, personal, private, and official capacities, for actions committed while acting as public officers and/or employees of the Machinery Of Government of the City of Las Vegas, New Mexico, and Eric Letey and Ed Zendel, each in their individual, personal, Private and official capacities, for actions committed While acting as employees of the New Mexico Municipal League, by and through the New Mexico Self-Insurers' Fund,
and
NEW MEXICO SELF-INSURERS' FUND, and NEW MEXICO MUNICIPAL LEAGUE, and Fifteen Jane Does, and Fifteen John Does,

Defendant-Respondents,
And

THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Respondent.

On Petition for Writ of Certiorari to the New Mexico Supreme Court

Petition for Writ of Certiorari

Margaret D. Edwards Flynn, Plaintiff-Petitioner, Sui Juris
C/o 739 Dalbey Drive
Las Vegas, New Mexico [87701]
505-425-0659

Revised Certificate of Service

I certify that pursuant to Supreme Court Rule 29.3, service of the foregoing Revised Petition for Writ of Certiorari to the New Mexico Supreme Court was made by first class mail, postage prepaid, on May 22nd, 2009, to counsel of record for all defendants, as follows:

Christopher M. Grimmer & Tony F. Ortiz,
Counsel for Defendants Yara through Trujillo,
C/o Scheuer, Yost & Patterson, P.C.
P.O. Drawer 9570
Santa Fe, New Mexico 87504
505-982-9911

And

Michael W. Brennan,
Counsel for defendants Letey through New Mexico Municipal League
C/o Brennan & Sullivan, P.A.
128 East De Vargas,
Santa Fe, New Mexico 87501
505-995-8514

All Rights Reserved

Margaret D. Edwards Flynn

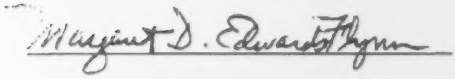
Margaret D. Edwrds, Flynn, Plaintiff-Petitioner, Sui Juris
C/o 739 Dalbey Drive
Las Vegas, New Mexico [87701]
505-425-0659

Certificate of Word Count

As required by Supreme Court Rule 33.1(h), I certify that the document contains 1,500 words, excluding the parts of the document that are exempted by Supreme Court Rule 33.1(d).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 19th, 2009.



Margaret D. Edwards Flynn, plaintiff-petitioner
C/o 739 Dalbey Drive
Las Vegas, New Mexico [87701]
505-425-0659

I. Questions For Review by the Supreme Court of the United States

1. Does the United States District Court for the District of New Mexico possess lawful jurisdiction on an action filed in state district court, under claims of defendants' violations of the New Mexico and National Constitutions, and published New Mexico state and municipal election statutes, and which action sets forth no federal question on the face of plaintiff's Complaint?

2. Can the referenced United States District Court acquire jurisdiction on a Notice of Removal filed by defendants, in fraud, which alleges false, fabricated claims not presented by plaintiff?

3. Since plaintiff's Complaint pertains only to state issues, then, did the New Mexico Supreme Court err when it denied plaintiff's Verified Petition for Writ of Prohibition, absent any findings of facts and conclusions of law, which plaintiff filed on grounds that the state Supreme Court, having original jurisdiction over state matters, is the superior court in these specific circumstances and thus authorized to exercise its superintendent authority?

II. Citations of Orders Issued

There are no official or unofficial reports of the opinions or orders entered in this case by any courts or administrative agencies to be cited.

III. Statement of Basis for Jurisdiction

The New Mexico Supreme Court issued an Order on November 3, 2008, denying plaintiff-petitioner's Verified Petition for Writ of Prohibition, filing October 24, 2008. On December 19, 2009, the New Mexico Supreme Court issued an Order denying plaintiff-petitioner's Objection, filed November 14, 2008, to the November 3rd Order, which the Court treated as a Motion for Reconsideration. Pursuant to 28 U.S.C. § 2072, ¶¶ (a) and (b), jurisdiction of this Supreme Court of the United States is invoked under Supreme Court Rule 10(c), in that the New Mexico Supreme Court's decisions conflict with relevant decisions of the Supreme Court of the United States, specifically, as stated in "The Well Pleaded Complaint Rule", upon which plaintiff relied in demonstrating to the New Mexico Supreme Court that since no federal questions, of any type, were raised on the face of her Complaint, the Complaint does not incur the federal court's jurisdiction; thus, summary remand is mandatory.

IV. Statement of the Case

Plaintiff-petitioner, Flynn, who lives in Las Vegas, New Mexico, sought elective office there in a 2006 municipal election. Since Flynn's dwelling lies near a ward boundary, she sought the correct ward number designation from defendant, Cheryl Yara, then acting as Las Vegas city clerk. Yara gave Flynn false ward information, twice, once before a witness, thereby caused Flynn to declare her candidacy for city council in the wrong ward. Yara then certified Flynn in the wrong ward. Approximately one month later, defendant, Matthew Sandoval, then-city attorney for the City of Las Vegas, New Mexico, despite his knowing that Yara's false information caused Flynn to file in the wrong ward, filed a Petition for Declaratory Judgment in the Fourth Judicial District Court, County of San Miguel, State of New Mexico, to have Flynn removed from the ballot for declaring in the wrong ward.

The state district judge, Eugenio Mathis, after hearing testimony from Yara, her assistant, defendant, Charles Griego, Flynn, and Catherine Montano, the witness to Yara's false statements to Flynn, denied the city's petition, stating that since it was Yara who misinformed Flynn, thereby committed a felony, then, Flynn had the right to remain on the ballot and he would not remove her. However, since the ballots were already printed, Flynn would have to remain in the wrong ward and, should

she win, would likely face removal either by actions of her opponents in that ward and/or the Citizens thereof. Yara's actions irreparably damaged Flynn's ability to effectively conduct her campaign, making it virtually impossible to win election, since the community-at-large was aware Flynn must run in the wrong ward and the Citizens of that ward were reluctant to "waste their votes" on a candidate who would face removal if elected. Thus, Flynn's ability to serve in office, had she won, was prevented by Yara's actions.

Subsequent to Flynn's state court victory, she notified, via letters, then affidavits, all Las Vegas public officers and employees, who had supervisory authority over Yara and Sandoval, and requested they investigate the matter and take action to stop and correct such misuse of office by Yara and Sandoval. None of those so notified responded to Flynn's complaints, thereby denied her administrative remedy and relief. Defendant, Henry Sanchez, then-mayor of Las Vegas, told Flynn's witness, Catherine Montano, when she queried him about his failure to respond to Flynn, that the city attorney had told him and the other defendants to "just ignore" Flynn's written complaints to them, which amounts to a conspiracy of silence to ignore, aid and abet wrongdoing by city officers/employees and deny Flynn administrative remedy.

Accordingly, Flynn filed suit in state district court on December 21, 2007for deprivation of her Constitutionally secured Rights via defendants' violations, pursuant to their oaths, of the New Mexico and National Constitutions, inclusive of their respective Bills of Rights, in particular, Article VII, §§1 & 2, New Mexico Constitution, which, respectively, impose upon New Mexico public officers the duty to uphold the purity of elections and guard against abuse of the elective franchise and secure Flynn's right to run for elective office, as well as their violations of state and municipal laws. Defendants, by and through counsel, subsequently filed a fraudulent Notice of Removal, with the United States Court for the District of New Mexico on February 20, 2008. The removal was based on false, fabricated grounds, therefore, was invalid. Since Flynn's Complaint raises no federal question, and since the removal was invalid, Flynn requested of the District Court of New Mexico summary remand, but the federal court has taken no action to remand in thirteen months.

V. Current Status of the Case

Although Plaintiff-petitioner's arguments for summary remand are factually and lawfully supported, her case improperly remains, in limbo, in federal court. In an attempt to break the unexplained logjam in the federal court, Flynn, citing the fact that, under the Well Pleaded Complaint Rule, her Complaint does not incur the federal

court's jurisdiction, sought a Writ of Prohibition from the New Mexico Supreme Court, on grounds that the Court, having original jurisdiction over matters arising under New Mexico law, and requested the Court exercise its superintendent authority over the circumstantially inferior federal court for lack of jurisdiction over plaintiff's state law based claims.

The New Mexico Supreme Court denied Flynn's Petition, absent any findings of facts and conclusions of law and authorities, via an order not signed by any justice who allegedly reviewed her Petition. The Court failed to send this order to Flynn, but, fortunately, the federal district court sent her a copy of the order, after placing it on the federal court's docket, or she would have been unaware a decision was rendered. Flynn filed an Objection to the order and to the New Mexico Supreme Court's failure to notify her of its decision, in violation of her due process Rights. In the Objection, which the New Mexico Supreme Court treated the Objection as a "Motion for Reconsideration", Flynn requested the Court support its ruling with fact, law and authorities and provide her a valid order signed by one of the ruling justices. However, the Court denied Flynn's Objection/Motion for Reconsideration, again absent fact, law and authorities, via yet another order not signed by any justice.

On December 29, 2008, Flynn filed, by mail, an Objection to this second denial, reiterating grounds of deprivation of due process and other Rights secured in the Constitutions, which the Court did not acknowledge, in any manner. By its aggregate actions, the New Mexico Supreme Court denied Flynn's Constitutionally guaranteed Rights to including, but not limited to, due process of law, which include the Right to be informed of the lawful and legal reasons for the Court's denials of her pleadings, as well as to timely presentation of the merits of her case, in the state court of proper jurisdiction and venue, before a jury of local Citizens, as Flynn lawfully and respectfully demanded in her Complaint. Pursuant to the oaths of the justices alleged to have reviewed Flynn's Verified Petition for Writ of Prohibition, the New Mexico Supreme Court's orders denying same, as well as their denial of her lawful requests for findings of fact, conclusions of law and authorities, and a valid order signed by at least one of the referenced justices, deny, subvert and obstruct justice. The Court's actions further deprive Flynn of Rights secured for her in both the state and national Constitutions by permitting her case to languish in a court which has no lawful jurisdiction to adjudicate it.

VI. Argument in Support of Petition for Writ of Certiorari

Plaintiff-petitioner's arguments to both the District Court of New Mexico and to the New Mexico Supreme Court are predicated upon the valid tenets of the Well Pleaded Complaint Rule, rendered by this Honorable Supreme Court. Yet, the former Court has refused to address the matter of lawful jurisdiction, has failed to remand, which under the circumstances, is mandatory, and continues to hold this case hostage for over thirteen months.

The latter Court, which Flynn sought out as the state court of last resort, despite being made aware, in Flynn's pleadings, of the controlling facts, law and authorities governing this matter, in particular the referenced Rule rendered by this Supreme Court, nevertheless denied Flynn's Petition for Writ of Prohibition without any factual or lawful support. Since the New Mexico Supreme Court's decisions clearly conflict with the tenets of this Court's own Well Pleaded Complaint Rule, then, it logically follows that a Writ of Certiorari to the New Mexico Supreme Court is fully warranted.

Wherefore, plaintiff-petitioner respectfully prays this Honorable Supreme Court of the United States GRANT her Petition for Writ of Certiorari.

Respectfully submitted,
All Rights Reserved,

Margaret D. Edwards Flynn, plaintiff-petitioner, *sui juris*
C/o 739 Dalbey Drive
Las Vegas, New Mexico [87701]
(505)-425-0659, home; (505)-718-9200, cell phone

Listing of Counsel for All Defendant-Respondents:

Christopher M. Grimmer,
Counsel for Defendants Yara through Trujillo
C/o Scheuer, Yost & Patterson, P.C.
P.O. Drawer 9570
Santa Fe, New Mexico 87504
505--982-9911

Tony F. Ortiz,
Counsel for Defendants Yara through Trujillo
C/o Scheuer, Yost & Patterson, P.C.
P.O. Drawer 9570
Santa Fe, New Mexico 87504

And

Michael W. Brennan,
Counsel for Defendants Letcy through New Mexico Municipal League
C/o Brennan & Sullivan, P.A.
128 East De Vargas
Santa Fe, New Mexico 87501
505-998-8514

Appendix

1. New Mexico Supreme Court Order Issued November 3, 2008 (Page 11)

2. New Mexico Supreme Court Order issued December 19, 2008 (Page 12)

3. Verified Petition for Writ of Prohibition to New Mexico Supreme Court, filed October 24, 2008 (Page 13-27)

4. Petitioner's Objection to Order Denying Petition for Writ of Prohibition, filed November 14, 2008 (Page 28-37)

5. Objection to Alleged Order Issued December 19, 2008 and Citizen's Demand and Motion, filed December 29, 2008 (Page 38-45)

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO November 3, 2008

NO.31,388

MARGARET D. EDWARDS FLYNN,

Petitioner,

V

CHERYL ANN YARA, et al.,

Respondents.

ORDER

WHEREAS, this matter came on for consideration by the Court upon petition tor wilt of prohibition, and the Court having considered said petition and being sufficiently advised, Justice Perra Jimenez Maes, Justice Richard C. Bosson and Justice Charles W. Daniels concurring;

NOW, THEREFORE, IT IS ORDERED that the petition for writ of mandamus hereby is Denied.

WITNESS, The Hon. Edward L. Chavez, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 3rd day of November, 2008.

(SEAL)

Amy Mayer, Deputy Clerk

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

December 19, 2008

NO. 31,388

MARGARET D. EDWARDS FLYNN,

Petitioner,

vs.

CHERYL ANN YARA, et al.,

Respondents.

ORDER

WHEREAS, this matter came on for consideration by the Court upon motion to reconsider, and the Court having considered said motion, and being sufficiently advised, Justice Petra Jimenez Macs. Justice Richard C. Bosson, and Justice Charles W. Daniels concurring:

NOW, THEREFORE, IT IS ORDERED that the motion to reconsider hereby is **denied**.

IT IS SO ORDERED.

WITNESS, The Hon. Edward L. Chavez, Chief Justice of the Supreme Court of the Suite of New Mexico, and the seal of said Court this 19th day of December. 2008.

(SEAL)

Madeline Garcia, Chief Deputy Clerk

IN THE SUPREME COURT OF NEW MEXICO STATE.
A REPUBLIC

Margaret D. Edwards Flynn.
Petitioner, No. 8/31388

Vs.

Cheryl Ann Yara, Mathew Sandoval, Henry 0. Sanchez, John Avila, Chuck Griego, Michael Gailegos, Macaria Gonzales, Morris Madrid. Diane Moore, Tony Marquez. Eugene Romero, Cruz Roybal. and Louie Trujillo.
ALL in their individual, personal, Private, and official capacities. for actions committed while Acting as public officers and/or employees of the Machinery Of Government of the City of Las Vegas, New Mexico, and Eric Letey and Ed Zendel, each in their individual, personal, Private and official capacities, for actions committed while acting as employees of the New Mexico Municipal League, by and through the New Mexico Self-Insurers' Fund,
and NEW MEXICO SELF-INSURERS' FUND,
and NEW MEXICO MUNICIPAL LEAGUE,

And

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO,

Respondents.

VERIFIED PETITION FOR A WRIT OF PROHIBITION

COMES NOW, petitioner, Margaret D. Edwards Flynn, sui juris, and hereby respectfully petitions this Honorable Court for a Writ of Prohibition in the above referenced action, pursuant to Article VI, § 3, New Mexico Constitution, and Rule 12-504, New Mexico Supreme Court Rules of Appellate Procedure. Petitioner seeks Writ of Prohibition on factually and lawfully supported grounds to prevent assumption of jurisdiction, not lawfully possessed, by a relatively inferior court namely, the United States District Court for the District of New Mexico. Although federal district courts are not technically "inferior" courts to this superintending tribunal, when exercising its power regarding jurisdiction over state issues, this Court can properly issue a Writ of Prohibition to the referenced federal court and to all other respondents, named herein. See: Clough v. Curtis, 134 U.S. 361. "The power of superintending control is an extraordinary power. It is hampered by no specific rules or means of its exercise." Albuquerque Gas & Electric Co. v. Curtis, 43 N.M. 234, 235, 89 P.2d 615, 616 (1939). It is unknown to petitioner whether the federal court has notified the state court to take no further action on the removed case, since petitioner has received no notice from either court to this effect. If such notice was not sent to the state court, then, it appears that the federal court has not, in fact, accepted jurisdiction. However, the federal court has not ruled on jurisdiction and has failed to summarily remand; thus, pe-

titioner seeks relief from this Honorable Court to resolve the jurisdictional issue.

I. JURISDICTION

Jurisdiction is invoked under Article VI, § 3, New Mexico Constitution which grants power to the Supreme Court superintending control over all inferior courts and the power to issue extraordinary writs, including writs of prohibition and all other writs necessary or proper for the complete exercise of its jurisdiction and to hear and determine the same. Petitioner is a New Mexico Citizen, dwells therein, and the state case originally arose in state district court grounded upon violations of New Mexico laws, election laws, in particular, which deprived Petitioner of Rights secured in the state and national constitutions.

II. STATEMENT OF FACTS, LAWS AND AUTHORITIES

1. Petitioner Flynn was deprived of her Right to run for, win election to and maintain the office of city councilor by fraud conducted by defendants during the 2006 municipal election held in Las Vegas, New Mexico, when she was gi/en false ward information by the then-city clerk, Cheryl Yara, one of the named defendants in this action, who subsequently certified petitioner in the wrong ward. The City of Las Vegas, by and through then-city attorney, Matthew Sandoval, another named defendant, filed a Petition for Declaratory Judgment, Case Number 2006-CV-54, in Fourth Judicial District Court, the proper

court to hear this matter, to remove Flynn from the ballot for running in the wrong ward. Sandoval, despite having admitted that the city had made a "mistake" by Yara's wrongful certification of Flynn, prosecuted Flynn in an attempt to hold her liable for Yara's alleged mistake. The presiding judge for that proceeding upheld Flynn's Right to run for office, denied the City's petition and stated that Yara's certification of Flynn in the wrong ward was a felony.

2. Since, pursuant to Article VII, § 1 of the New Mexico Constitution, the state of New Mexico and all public officers serving therein are required to uphold the purity of elections and guard against abuse thereof, but defendants failed to do so, Flynn sought administrative remedy by sending letters to all Las Vegas public officers/employees, with supervisory capacity over Yara and Sandoval regarding their wrongful actions against Flynn and requested they investigate and correct the wrongdoing, but none of them, pursuant to their oaths, responded or took any corrective actions to disavow the wrongdoing; thus, they, each and every one of them, upheld the wrongdoing. Flynn then sent affidavits to all so notified, which they ignored, thereby admitted to all charges and statements Flynn made therein. These un-rebutted affidavits were filed on the public record with the San Miguel County Clerk; thus, are self-authenticating, pursuant to Rule 11-902 NMRA, and fully admissible in court.

3. In an effort to improve election practices and correct abuses thereof, Flynn sought relief for the injury to

her integrity, the irreparable damage done to her campaign efforts, and the damage done to voters prevented from voting for the candidate of their choice, by filing suit, on December 21, 2007, in the Fourth Judicial District Court, Case Number D-0412-CV-2007-724, for deprivations of her Rights guaranteed in the state and national Constitutions, including those protected in referenced Article VII, § 1 of the New Mexico Constitution, arising from defendants' violations of state and local laws, including election laws.

4. In an apparent effort to avert a trial in the local court, in which Flynn had already prevailed on related matters, and to avoid a local jury, as well as to conceal this matter from local Citizens, who could have attended state court proceedings, defendants, by and through counsel, filed a Notice of Removal with the United States District Court for the District of New Mexico, on February 20, 2008, Case Number Case No. 08-cv-00186 MV/ ACT. Their removal was predicated on fabricated false grounds - grounds not set forth in Flynn's Complaint - to procure federal court jurisdiction by putting a fraud upon that court – Bulloch v. U.S., 763 F.2d 1115 at 1121 - and by misrepresenting to the court that Flynn's Complaint raised a "federal question", made claims under Title 42, "discrimination", and "civil rights" violations under The Civil Rights Act, which it does not. The removal action was taken to "justify" removal under 28 U.S.C. § 1441 and § 1331. Since the grounds defendants allege for removal are patently false, on the valid grounds that a local municipal election is a state issue, first, and only becomes

a federal issue if the deprivation of the rights to vote cannot be corrected by state courts, then, their presentation of false grounds to the federal court invalidates and degrades the integrity of the removal process and puts a deliberate fraud upon the court. Defendants' claims do not meet removal requirements cited under § 1441 and § 1331; thus, defendants failed to lawfully incur the subject matter jurisdiction of the federal court.

5. Petitioner filed a Motion in Opposition to Removal and for Summary Remand, on March 6, 2008, which argues that since a part of these same state issues had already been heard and decided by a state district court in her favor, the case removed is a follow-on case; thus, the Rooker-Feldman Doctrine applies and the removed case should summarily be remanded to state district court. However, the federal court took no action to remand, so, by special appearance, without accepting or consenting to jurisdiction, Flynn filed an Emergency Motion for Decision on Summary Remand, on March 28, 2008, therein demonstrated to the court, with valid fact, law and authorities, defendants' absolute failure to lawfully incur jurisdiction, by presenting the fabricated grounds for removal, cited above. Flynn's valid legal arguments showed that, since federal courts are statutory in nature, and have limited jurisdiction under federal statutes, a Complaint must set forth specific claims, arising under violations of federal statutes, to properly invoke federal jurisdiction. Flynn's motion further demonstrated that a United States Supreme Court decision resulting in the "Well Pleaded Complaint Rule" has long held that, unless

such specific federal claims are made on the face of the Complaint, then, the Complaint does not meet the required test to invoke original jurisdiction under 28 U.S.C. § 1331. Since Flynn's Complaint made no federal claims, whatsoever, then, it cannot lawfully incur federal jurisdiction.

6. Although the burden of proving jurisdictional facts falls on defendants, they have failed to do so, despite Flynn's lawfully based challenges and her legal arguments demonstrating that defendants' fraudulent grounds for removal do not lawfully invoke federal jurisdiction. See: Schroeder v. Trans World Airlines, Inc., 702 F.2d 189, 191 (9th Cir. 1983). Defendants have skillfully avoided that burden, and the federal court has ignored Flynn's demonstrations of the fact that their alleged grounds for removal are not borne out by examination of plaintiff's Complaint, which clearly only states claims for deprivation of Constitutionally guaranteed Rights, NOT federal "civil rights", and based only in violations of state law, NOT federal law; no violation of any federal statute were cited; no federal question was raised; and the removal action makes the claims by defendants under title 42 falsely alleged. Thus, the removal action does not incur federal jurisdiction. Further, defendants, by and through attorneys Grimmer and Ortiz, most of whom are or were elected and appointed public officers, incredibly contend that Flynn has no Constitutional Right to run for office, nor any Right to claim or receive relief for damages to her Constitutionally or statutorily secured Rights. Still further, defendants, by and through counsel, fail to factually rebut Flynn's charg-

es and claims of their falsification of grounds for removal, nor have they presented any substantive, meritorious defense to them, pursuant to their oaths, under Rule 15-304 NMRA, and requirements under 36-2-10 and 36-2-17 NMSA; thus, admit them. Their actions, or lack thereof, appear to suggest that they expect the federal court to retain this case, based upon the fraudulent removal grounds presented by defendants, thereby uphold the wrongful actions of defendants, exonerate them for their wrongdoing against Flynn and dismiss the removed case.

7. Petitioner recently filed a motion for a ruling on her referenced Emergency Motion regarding summary remand, since this removed case has languished in limbo in the federal court, absent lawful jurisdiction, proven on the record, for over eight (8) months. Further, despite lack of jurisdiction, proven on the record, the federal court has permitted this instant case to unlawfully advance to scheduling and discovery proceedings under Rules 16 and 26, Fed.R.Civ.P. Petitioner has informed the federal court that she stands on her lawful and legal Rights, under due process of law secured in both Constitutions and those protected under 28 U.S.C. § 2072(b), which prohibits abridgement of her fundamental Rights by the Rules of the Court, including, but not limited to, referenced Rules 16 and 26. Further, 38-1-1 NMSA applies in state court jurisdiction. The federal court has failed its fundamental duty to examine notices of removal promptly, determine whether or not jurisdiction is lawfully invoked, and if it is lacking, then, summary remand is mandatory. This failure or refusal to act on this most fundamental issue of

jurisdiction, renders the court derelict in its duties, fails to construe pleadings to do substantial justice, denies petitioner her due process Rights, obstructs justice, usurps the proper jurisdiction of the state court and favors defendants.

8. This inordinate delay is, as yet, unexplained by the federal court. However, it is a fact, of record, that Christopher Grimmer, the lead defense attorney for defendants Yara and Sandoval, and those who upheld their wrongful actions, sent a letter to then-presiding judge, Chief Judge Martha Vazquez, dated March 27, 2008, some five weeks after the removed case was assigned to her, purportedly reminding her that they share a close familial relationship. Six weeks later, Grimmer sent another letter alleging the first letter did not reach Judge Vazquez for "unknown reasons", and gave as an excuse a very suspect reason of mail being lost, then returned to him, which was discredited by postal employees with whom Flynn spoke. On May 22, 2008, this case was reassigned to Judge James Browning, and is now numbered, 08-cv-00186 JB/ACT. Thus far, Judge Browning has taken no action of any kind, and, in fact, absent jurisdiction, the court has no authority to act in this matter except to remand.

9. Since it cannot be demonstrated that collusion and conspiracy with intent to procure a favorable decision for defendants and against plaintiff Flynn did not take place between attorney Grimmer and judicial officers of the federal court, then, the court's unexplained, inordinate delay and/or refusal to recognize defendants' failure, by

and through counsel, to lawfully invoke federal jurisdiction and their blatant fraud upon the court, in violation of Rule 11, Fed.R.Civ.P., their oaths, 36-2-10 (A)(C) & (D) and 36-2-17 NMSA, and could well be perceived as a credible reason why this removed case has been unjustly and unlawfully held hostage by an incommunicado federal court for more than eight months.

10. On October 8, 2008, defendants, represented by attorneys Grimmer and Ortiz filed a Motion for Discovery Sanctions, under Rule 37(d), Fed.R.Civ.P., in which they move the federal court to impose sanctions upon plaintiff-petitioner for her lawful refusal to participate in unlawful discovery proceedings, absent proper jurisdiction. Since defendants' fraudulent grounds for removal failed to invoke jurisdiction of the federal court, and since the federal court has proceeded to discovery based upon those fraudulent grounds, then, the court proceeds without authority, absent jurisdiction, and defendants, by and through counsel, have no authority to request sanctions for Flynn's exercising her Rights to refuse to participate in unlawful discovery proceedings. Plaintiff-petitioner has this day filed a Response in Opposition to Defendants' Motion for Discovery Sanctions, standing on her lawful and legal Rights not to participate in unlawful discovery proceedings, conducted absent lawful jurisdiction, and further states therein that she, as a sovereign American Citizen, cannot lawfully be compelled to obey an unlawful order.

III. RELIEF REQUESTED

Petitioner respectfully beseeches this Honorable Court to exercise its lawful superintending control to stop the federal court's unlawful assumption and usurpation of jurisdiction in the removed case, and thereby issue a peremptory Writ of Prohibition to order defendant-respondents to have the case remanded to state district court without delay, or, in the alternative, to order the "relatively inferior" federal court to remand the case removed. "Prohibition is a kind of common law injunction to prevent an unlawful assumption of jurisdiction ... it is a common law injunction against governmental usurpation, as where on is called coram non judice (before a judge unauthorized to take cognizance of the affair), to answer in a tribunal that has no legal cognizance of the cause. It arrests the proceedings of any tribunal, board or person exercising judicial functions in a manner or means not within its jurisdiction." Benjamin J. Shipman, Handbook of Common-Law Pleading, § 341 at 542 (Henry Winthrop Ballantine ed., 3d ed. 1923).

IV. CONCLUSION

Petitioner's case involves only state issues, including fraud conducted during a municipal election; thus, the proper court of competent jurisdiction is state district court, specifically, the Fourth Judicial District Court, where petitioner originally and properly filed her case. Petitioner has amply demonstrated that defendant-respondents put fraud upon the federal district court by

filing their Notice of Removal on false grounds; yet, the federal court fails to recognize this fact and continues to hold her case in limbo. "A writ is appropriate ... where... necessary to prevent irreparable mischief, great, extraordinary, or exceptional hardship, costly delays and unusual burdens of expense." State ex rel Transcon Bus Serv. V. Carmody, 53 N.M. 367, 378, 208 P. 2d 1073. Accordingly, petitioner's only recourse in this extraordinary and unjust situation, which, thus far, has denied her due process, by depriving her of the proper jurisdiction of the court of her choosing, thereby delayed justice and caused petitioner undue hardships and burdens of expense, is to respectfully ask this Honorable Court to issue a peremptory Writ of Prohibition to require defendant-respondents, by and through counsel, to withdraw their Notice of Removal and, further, to require the relatively inferior federal court, made so for lack of proper subject matter jurisdiction to hear this state matter, to summarily remand this instant case to the state district court.

PRAYER FOR RELIEF

WHEREFORE, for all of the foregoing valid reasons, based in fact, law and authorities, petitioner respectfully prays this Honorable Court GRANT a peremptory Writ of Prohibition, ordering defendant-respondents to withdraw their Notice of Removal and seek remand of plaintiff's case to the Fourth Judicial District Court; or, in the alternative, order the relatively inferior federal district court to remand the removed case, forthwith.

Respectfully submitted this 24th day of October, 2008,
All Rights Reserved

By _____

Margaret D. Edwards Flynn, plaintiff-petitioner, sui juris
C/o 739 Dalbey Drive
Las Vegas, New Mexico [87701]
505-425-0659

VERIFICATION

I, Margaret D. Edwards Flynn, am the plaintiff in the above entitled action. I have written the foregoing complaint, know and understand the contents thereof, and I declare under penalty of perjury under the laws of the State of New Mexico that the facts and matters set forth therein are true and correct.

_____ _____

Signature Date

Subscribed and sworn before me on this ____day of October 2008, the above signatory did appear and present proof of identity to me and of her own free will did sign the foregoing document.

_____

Notary Public

My Commission Expires:_____

Seal:

IN THE SUPREME COURT OF NEW MEXICO STATE,
A REPUBLIC

Margaret D. Edwards Flynn,

Petitioner,

No._____
Vs.

Cheryl Ann Yara, Mathew Sandoval, Henry O. Sanchez, John Avila, Chuck Griego, Michael Gallegos, Macario Gonzales, Morris Madrid, Diane Moore, Tony Marquez, Eugene Romero, Cruz Roybal, and Louie Trujillo, ALL in their individual, personal, Private, and official capacities, for actions committed while Acting as public officers and/or employees of the Machinery Of Government of the City of Las Vegas, New Mexico, and Eric Letey and Ed Zendel, each in their individual, personal, Private and official capacities, for actions committed While acting as employees of the New Mexico Municipal League, by and through the New Mexico Self-Insurers' Fund, and
NEW MEXICO SELF-INSURERS' FUND, and
NEW MEXICO MUNICIPAL LEAGUE,

And

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO,

Respondents.

CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the foregoing Verified Petition for Writ of Prohibition to be served by hand on the Chief Justice of the New Mexico Supreme Court by leaving a copy with the Clerk of the Court, and on the United States District Court for the District of New Mexico, by leaving a copy with the Clerk of the Court, and by first class mail, postage prepaid, to all other respondents by and through their respective attorneys, as follows:

Christopher M. Grimmer & Tony F. Ortiz
C/o Scheuer, Yost & Patterson, P.C.
P.O. Drawer 9570
Santa Fe, New Mexico 87504

Michael W. Brennan
C/o Brennan & Sullivan, P.A.
128 East DeVargas
Santa Fe, New Mexico 87501

All Rights Reserved,

_____

Margaret D. Edwards Flynn, plaintiff-petitioner

IN THE SUPREME COURT OF NEW MEXICO
STATE A REPUBLIC

Margaret D. Edwards Flynn,

Petitioner,

Supreme Court No. 3/31, 383
Vs. **State Court No. D-0412-CV-2007-724**
USDC No. 08-cv-00186 JB/ACT

Cheryl Ann Yara, Mathew Sandoval,
Henry O. Sanchez, John Avila, Chuck Griego,
Micahael Gallegos, Macario Gonzales, Morris Madrid,
Diane Moore, Tony Marquez, Eugene Romero,
Cruz Roybal, and Louie Trujillo, ALL in their individual, personal, Acting as public officers and/or employees of the Machinery of Government of the City of Las Vegas, New Mexico, and Eric Leley and Ed Zendel, each in their individual, personal Private and official capacities, for actions committed While acting as employees of the New Mexico Municipal League, by and through the New Mexico Self-Insurers' Fund, and
NEW MEXICO SELF-INSURERS' FUND, and
NEW MEXICO MUNICIPAL LEAGUE,

And

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO,

Respondents,

PETITIONSER'S OBJECTION TO ORDER DENYING VERIFIED PETITION FOR WRIT OF PROHIBITION and DEMAND FOR FINDINGS OF FACTS AND CONSTITUTIONALLY COMPLIANT CONCLUSIONS OF LAW AND AUTHORITIES

COMES NOW, plaintiff-petitioner, Margaret D. Edwards Flynn, sui juris, a living, breathing, natural born American and New Mexico Citizen, with and claiming all her inherent, unlimited, unalienable Rights, guaranteed to her in the Constitution of the United States of America and in the New Mexico Constitution, whose name is properly spelled ONLY in upper and lower case letters, and who hereby files this OBJECTION to the referenced alleged ORDER, and, further, files this lawful DEMAND for findings of valid facts and Constitutionally compliant law and authorities in support thereof.

1. Plaintiff-petitioner Flynn filed a Verified Petition for a Writ of Prohibition with this Court on October 24, 2008, paid a filing fee of $125.00 to do so; yet, received no response or ruling from this Court.

2. On November 7, 2008, plaintiff-petitioner received a copy of an alleged order issued by this Court, but mailed to her from the United States District Court for the District of New Mexico, bearing that court's stamped filing date of November 6, 2008. Had Flynn not received this copy of the order from the USDC, she would have been totally and unjustly unaware that a ruling had been issued. The copy of the order bears no signatures of any of the justices who issued the alleged ruling, but only that of one Amy Mayer, a deputy clerk of this Court. It would appear that a deputy clerk lacks authority to sign an order rendered by the Supreme Court, and if any authority is alleged for this purpose, it violates the tenets of 38-1-1 NMSA. Further, this order denies a "Writ of Mandamus",

when Flynn petitioned for a Writ of Prohibition, and the order presents no findings of facts and conclusions of Constitutionally compliant law and authorities to support the Court's ruling. An order, unsupported by valid facts, law and authorities, denying a writ other than the one for which Flynn petitioned, and which is not signed by any of the justices involved, appears to be invalid and violate due process of law. Still further, this Court failed to mail the unsigned, unsupported order to Flynn. Failure to notify is another due process violation.

3. On Thursday, November 13, 2008, plaintiff-petitioner telephoned the New Mexico Supreme Court and asked Amy Mayer to specify why this Court has not mailed its decision to Flynn. Ms. Mayer appeared uncomfortable and ill prepared to answer Flynn's question, in fact, did not do so, but only managed to stammer to Flynn that the order had been issued "on November 3rd", and state that she could fax Flynn a copy or put one in the mail, if Flynn so desired. Flynn hereby demands of this Court why eleven (11) days have now elapsed since the ruling was rendered without this Court's having sent her the Court's order, and further states that the Court's failure to send said order is not only inexcusable, but also suggests the order may have been deliberately withheld to deny Flynn the opportunity to timely file an objection thereto.

4. This Court's violation and denial of due process of law, by (a) its failure to directly notify Flynn of the Court's ruling, and (b) its failure to support the ruling

with valid findings of facts and conclusions of Constitutionally compliant law and authorities, renders it defective, Constitutionally incompetent, derelict in its lawful duties, and in obstruction of justice. Any ruling rendered by a court, absent due process of law, as was this ruling, by this Supreme Court, is null and void, ab initio; thus, must be vacated.

5. The unconstitutional actions of the three justices who allegedly issued the ruling, being antithetical to the mandates of their sworn oaths of office, required under Article VI, Clause 3, Constitution for (and of) the United States of America, and Article XX, Section 1, New Mexico Constitution, constitute perjury of their oaths. Thus, by their own actions, these justices have invoked the self-executing Sections 3 and 4 of the 14th Amendment to the Constitution of the United States of America, thereby vacated their offices and forfeited all benefits thereof.

6. Regrettably, plaintiff-petitioner had surmised that the justices of this Court would not perform their duties in this instant case, as mandated by their oaths, since, based on best information and belief, they, each one, have perjured their oaths by denying the power of Article XXII, Section 19, New Mexico Constitution, and Sections 10-2-5, 6, 7 and 9 NMSA; laws which are irrevocable under the power of Article XXI, Section 10 and Article XIX, Section 4, New Mexico Constitution. Without required, valid bonds, this Court has no lawful authority to render any ruling.

7. Additionally, plaintiff-petitioner, having personally encountered and having witnessed the desultory, discriminatory treatment to which litigants such as she, un-represented by agents of this Court, are routinely subjected by the courts of this state, was well aware that she would not likely receive just treatment from this Court, especially since her action seeks relief for damages done to her by former and current city public officers and state employees of the New Mexico Municipal League and its affiliated Self-Insurers' Fund, all of whom work for and are paid by the machinery of government of this state, as are the justices of this Court. Nevertheless, Flynn dared hope that this Court might somehow comprehend the merits of her valid arguments, uphold them and her Rights, pursuant to their oaths, and justice would prevail.

8. Plaintiff-petitioner presented to the federal court valid legal arguments, supported with facts, evidence, law and authorities, demonstrating the removed case pertains only to state issues, raises no federal questions; thus, properly belongs in state district court and should be summarily remanded, while defendant-respondents filed a patently false Notice of Removal, claiming unsupported, alleged grounds, not present in plaintiff's Complaint, which do not lawfully incur jurisdiction. Despite these facts, for nearly nine (9) months, the federal court, has failed to (a) acknowledge defendants' blatantly fraudulent removal; (b) acknowledge it lacks jurisdiction; (c) exercise its only lawful authority in this matter, namely, remand to state district court; thus, unlawfully holds the removed case stagnant and in limbo, in denial of plaintiff's due pro-

cess Rights, therefore, is derelict in its duties, obstructs justice, and unlawfully usurps the sovereign authority of the state district court.

9. Although Flynn's Verified Petition clearly enumerated the unlawful and unconstitutional actions of defendants, by and through counsel, including, but not limited to, their false grounds for removal, as well as the unlawful actions of the federal court, this Supreme Court, by its alleged ruling, apparently took no notice of, or exception to, these unlawful acts and upheld them, in violation and perjury of their oaths and of bond requirements to faithfully perform the duties of their office. This Court has refused to exercise its superintending control and authority over this federal court, which, in this instant matter, arising only under state issues, is a relatively inferior court, as a statutory court of limited jurisdiction, which cannot lawfully be invoked absent the citing of claims arising under violations of federal statutes, which claims are NOT present in plaintiff-petitioner's Complaint. Without lawful authority to hear a matter arising under and pertaining only to state issues, which properly belongs in state district court, remand of the unlawfully removed case is mandatory. The federal court's failure to remand usurps the sovereign authority of the state court, now apparently condoned by this Court, violates the 10th Amendment and the separation of powers between the federal government and the several states. Pursuant to Printz and Mack v. United States, (95-1478 and 95-1503) 521 U.S. 898 (1997), the 10th Amendment affirms the undeniable notion that under our Constitution the federal government is one of

enumerated, hence, limited powers. Accordingly, the federal government may act only where the Constitution authorizes it to do so. The Constitution does not authorize the federal court of limited statutory authority to hear a case involving election fraud committed by city public officers during a municipal state election.

10. In light of these facts, this Supreme Court, being subject to and accountable to the Rule of Law, pursuant to the oaths of its justices, should have granted Flynn's Verified Petition and issued the Writ of Prohibition. Its failure to do so, unsupported by fact, law and authorities, ignores petitioner's valid legal arguments, denies due process, the Constitutions, Flynn's Rights secured therein, and the Rule of Law. Flynn hereby respectfully demands this Court produce written findings of valid facts and Constitutionally compliant conclusions of law and authorities to support its denial of her petition, pursuant to requirements imposed upon this Court and its justices under Constitutionally compliant due process of law; or, in the alternative, since it would appear to be a judicial impossibility to support the Court's alleged ruling with valid fact, law and authorities, the Court grant her Writ. The Court's alleged unsupported ruling is opinion, only, opposes the Constitutions, due process of law and the valid, lawful positions presented by Flynn. Opinion is not a lawful basis for any ruling rendered by a Court of Constitutionally competent jurisdiction.

11. Defendants' unlawful removal of plaintiff-petitioner's case denied her Right to present her case before

a local jury of her peers, in the court of proper jurisdiction and venue, and thereby seek relief for damages sustained, by and through defendants' unlawful actions, which deprived Flynn of Constitutionally secured Rights and harmed her good name and reputation. This Court's ruling apparently upholds defendants' false grounds for removal, and further, appears to condone, aid, abet, uphold and exacerbate the blatant fraud and deprivation of Rights perpetrated by defendant-respondents, by and through counsel, upon both Flynn and the United States District Court for the District of New Mexico.

12. Plaintiff-petitioner hereby states that since this Supreme Court has so ruled, thereby failed to uphold the lawful, sovereign authority of the state court over the removed case, then, in her continuing lawful claim, exercise and enforcement of her Rights secured in the Constitutions, Rights, which this Court, by its ruling, apparently does not honor, support or uphold, in this instant case; and as a Citizen, who expects government to uphold and not deny or show apparent contempt for the Rule of Law, and who seeks to restore Constitutionally compliant Rule of Law to the government and courts of New Mexico, Flynn has no choice but to pursue justice and relief by petitioning the United States Supreme Court for a Writ of Certiorari.

Respectfully submitted this 14th day of November 2008,
All Rights Reserved

By_____
Margaret D. Edwards Flynn, sui juris, plaintiff-petitioner
C/o 739 Dalbey Drive
Las Vegas, New Mexico [87701]; 505-425-0659

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Objection and Demand was served upon the Chief Justice of the New Mexico Supreme Court by filing it with the clerk of the Court, and that true and correct copies were sent by first class mail, postage prepaid, to the USDC for the District of New Mexico and to Defendant-Respondents' attorneys, on this 14th day of November, 2008, to the following addresses:
Office of the Clerk
United States District Court
For the District of New Mexico
106 South Federal Place
Santa Fe, New Mexico 87501

Christopher M. Grimmer & Tony F. Ortiz
C/o Scheuer, Yost & Patterson, P.C.
P.O. Drawer 9570
Santa Fe, New Mexico 87504

Michael W. Brennan
C/o Brennan & Sullivan, P.A.
128 East DeVargas
Santa Fe, New Mexico 87501

All Rights Reserved,

_____

Margaret D. Edwards-Flynn

IN THE SUPREME COURT OF NEW MEXICO
STATE A REPUBLIC

Margaret D. Edwards Flynn,

Petitioner,

Supreme Court No. 3/31, 383
Vs. **State Court No. D-0412-CV-2007-724**
USDC No. 08-cv-00186 JB/ACT

Cheryl Ann Yara, Mathew Sandoval,
Henry O. Sanchez, John Avila, Chuck Griego,
Micahael Gallegos, Macario Gonzales, Morris Madrid,
Diane Moore, Tony Marquez, Eugene Romero,
Cruz Roybal, and Louie Trujillo, ALL in their individual, personal, Acting as public officers and/or employees of the Machinery Of Government of the City of Las Vegas, New Mexico, and Eric Leley and Ed Zendel, each in their individual, personal Private and official capacities, for actions committed While acting as employees of the New Mexico Municipal League, by and through the New Mexico Self-Insurers' Fund, and
NEW MEXICO SELF-INSURERS' FUND, and
NEW MEXICO MUNICIPAL LEAGUE,

And

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO,

Respondents,

OBJECTION TO ALLEGED ORDER ISSUED DECEMBER 19, 2008, and CITIZEN'S DEMAND AND MOTION, PURSUANT TO OATHS TAKEN BY SUPREME COURT JUSTICES AND CONSTITUTIONAL MANDATES CONTAINED THEREIN, THAT ANY AND ALL RULINGS ISSUED BY THIS SUPREME COURT BE SUPPORTED BY OBJECTION TO AL-

LEGED ORDER ISSUED DECEMBER 19, 2008, and CITIZEN'S DEMAND AND MOTION, PURSUANT TO OATHS TAKEN BY SUPREME COURT JUSTICES AND CONSTITUTIONAL MANDATES CONTAINED THEREIN, THAT ANY AND ALL RULINGS ISSUED BY THIS SUPREME COURT BE SUPPORTED BY FACT, CONSTITUTIONALLY COMPLIANT LAW AND AUTHORITIES

COMES NOW, plaintiff-petitioner, Margaret D. Edwards Flynn, sui juris, a living, breathing, natural born American and New Mexico Citizen, with and claiming all her inherent, unlimited, unalienable Rights, guaranteed to her in the Constitution of the United States of America and in the New Mexico Constitution, whose name is properly spelled ONLY in upper and lower case letters, and who hereby files this OBJECTION to the ORDER, issued December 19, 2008, affirming the November 3rd alleged order, and, who, further, files this lawful CITIZEN'S DEMAND for findings of valid facts and Constitutionally compliant law and authorities in support thereof.

1. Plaintiff-petitioner hereby incorporates by reference, as if fully set forth herein in its entirety, her OBJECTION filed with this Court on November 14, 2008. All of the lawful and legal arguments made therein, which remain completely unaddressed and un-rebutted by this Court, still stand and fully apply in this OBJECTION.

2. The alleged Order issued on December 19, 2008, as was the previous alleged Order of November 3, 2008, is unsigned by any of the Justices who theoretically rendered the decision; therefore, the unsigned, alleged Order is invalid, without LAWFUL force or effect, whatsoever, pursuant to Constitutional requirements, including, but not limited to, due process of law and to NMSA 38-1-1.

3. Pursuant to Article IV, Section 4, Constitution of the United States of America, all states are guaranteed a republican form of government. Thus, all state governments and all state courts, in the instant case, those of New Mexico, are mandated to operate under the Rule of Law, not the rule of men, including Supreme Court Justices, who are duty bound by oath and bond to uphold the letter and spirit of the Constitutions and Bills of Rights of this nation and this state. These Justices are not above, or immune from, the Law and, in fact, are required to abide by their oaths and the Constitutional mandates contained therein, including, but not limited to, due process of law, in the performance of their official duties. Failure to do so constitutes sedition, insurrection and perjury of referenced oaths. By the alleged rulings in this instant case, it is obvious that these Justices failed all of these Constitutional requirements.

4. Pursuant to the above-referenced Article IV, Section 4, all lawful orders are required to be supported by valid, Constitutionally compliant law and authorities; yet both of the referenced alleged Orders are totally unsupported, in any manner, whatsoever. Therefore, both

alleged Orders, being unsupported, are frivolous, without merit and reduced to opinion. Opinion is not the Law of the Land and is insufficient as the basis of a lawful, judicial order. Given the mandates of Article IV, Section 4, which also require a representative form of government, it would appear that the unsupported alleged Orders of this Supreme Court do not represent lawful government, as Constitutionally mandated, nor do these represent the Rights and best interests of the People, in the instant case, Flynn, or uphold the Public Trust to which these Justices are sworn and bound.

5. Pursuant to their oaths, all judicial officers, in this instant matter, Maes, Bosson and Daniels, acting as Justices, are subject to the mandates set forth in the Code of Judicial Conduct. The Preamble of the referenced Code states, to wit: "An independent and honorable judiciary is indispensible to justice in our society. The provisions of this Code should be construed and applied to further that objective." This Preamble is reinforced under 21-100, which requires a judge, or justice, to uphold the integrity and independence of the judiciary by establishing, maintaining, enforcing and personally observing high standards of conduct "so that the integrity and independence of the judiciary will be preserved". Further, as stated in 21-200: "A judge shall avoid impropriety and the appearance of impropriety in all the judge's activities", and in particular, as stated in Paragraph A., "Respect for the law: A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judi-

ciary.", and in Paragraph B., "Impartiality. A judge shall not allow family, social, political or other relationships to influence the judge's judicial conduct or judgment..." Still further, as stated in 21-300, "A judge shall perform the duties of office impartially and diligently.", and as more specifically set forth in Paragraph A. "Judicial duties in general. The judicial duties of a judge take precedence over all the judge's other activities. The judge's judicial duties include all the duties of the judge's office prescribed by law. In the performance of these duties, the following standards apply." [Emphasis added.] The referenced standards are set forth in Paragraph B. Adjudicative responsibilities, which includes, but is not limited to the following subparagraphs:

(1) A judge shall hear and decide matters assigned to the judge except those in which disqualification is required. [Emphasis added.]

(2) A judge shall be faithful to the law and maintain professional competence in it. A judge shall not be swayed by partisan interests, public clamor or fear of criticism. [Emphasis added.]

(5) A judge shall perform duties without bias or prejudice....

(7) A judge shall accord to every person who has a legal interest in a proceeding ... the right to be heard according to law. [Emphasis added.]

(8) A judge shall dispose of all judicial matters promptly, efficiently and fairly. [Emphasis added.]

Pursuant to all of the above-stated requirements, it is clear that the alleged Orders, unsupported by fact,

valid, Constitutionally compliant law and authorities, violate all of the referenced requirements and the oaths of those acting as Justices, and would give the appearance to the impartial observer that the New Mexico Supreme Court operates on its own standards, in defiance of and without consideration of Constitutional requirements and the Law. The New Mexico Supreme Court has no lawful authority to act outside the Law, in defiance of oaths taken.

6. It is an indisputable fact that Flynn's Verified Petition for Writ of Prohibition is based in fact, valid law and authorities. It is an indisputable fact that the alleged Orders rendered in opposition to the Petition and the subsequent Objection of November 14th, failed to rebut, oppose or controvert Flynn's lawfully supported positions stated therein. Therefore, those acting as Supreme Court Justices, who, as stated above, are not above the Law, and the Constitutional and statutory requirements imposed thereby, admit to and agree with all of Flynn's lawfully supported positions. Accordingly, pursuant to the Rule of Law, and not the rule of men, the referenced alleged Orders are nullities, and further, are insults to the Constitutions, the People of New Mexico and in the instant case, to plaintiff-petitioner Flynn.

WHEREFORE, for the valid, lawful reasons set forth herein, plaintiff-petitioner Flynn demands that this Court support its rulings with fact, valid, Constitutionally compliant law and authorities, pursuant to the oaths of those acting as sitting Justices, who are not above the

Law; or in the alternative, reverse the alleged Orders and order the United States District Court for the District of New Mexico to remand the case, fraudulently removed thereto, to the Fourth Judicial District Court of New Mexico forthwith.

Respectfully submitted,
All Rights Reserved

Margaret D. Edwards Flynn, plaintiff-petitioner
C/o 739 Dalbey Drive
Las Vegas, New Mexico [87701]
505-425-0659

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Objection and Demand was served upon the Chief Justice of the New Mexico Supreme Court by filing it with the clerk of the Court, and that true and correct copies were sent by first class mail, postage prepaid, to the USDC for the District of New Mexico and to Defendant-Respondents' attorneys, on this 26th day of December, 2008, to the following addresses:
Office of the Clerk
United States District Court
For the District of New Mexico
106 South Federal Place
Santa Fe, New Mexico 87501

Christopher M. Grimmer & Tony F. Ortiz
C/o Scheuer, Yost & Patterson, P.C.
P.O. Drawer 9570
Santa Fe, New Mexico 87504

Michael W. Brennan
C/o Brennan & Sullivan, P.A.
128 East DeVargas
Santa Fe, New Mexico 87501

All Rights Reserved,

_____

Margaret D. Edwards-Flynn